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OFFICE OF PETITIONS

In re Patent No: 5,682,074  
Issue Date: October 21, 1997  
Application No. 08/205,045  
Filed: March 2, 1994  
Patentee: Di Pietro et al.

ON PETITION

This is a decision on the petition February 5, 2002, requesting reinstatement under 37 CFR 1.378(b) or other remedies which is being treated as a petition under 37 CFR 1.377(no fee) to review the apparent refusal of the USPTO to accept and record a timely maintenance fee for the above-identified patent.

The petition is dismissed as moot.

The patent has been maintained in force. The receipt of the payment sent by first class mail with a certificate of mailing under 37 CFR 1.8 was apparently delayed due to mail problems; nevertheless when received at the USPTO it was treated under the remedial provisions of 37 CFR 1.8, and the payment accepted as timely. The payment was processed December 21, 2001, which due to the mail delay was subsequent to the mailing of the Notice of Expiration. Any inconvenience is regretted. Enclosed for petitioner's convenience is a copy of the Maintenance Fee Statement showing the 3 1/2 year payment was accepted by the USPTO as timely and the patent maintained in force.

The \$1205 fees proffered with the petition have been credited to deposit account No. 04-1105 as authorized.

This file is being returned to the Files Repository.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-1820.

*Brian Hearn*

Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Assistant Commissioner  
for Patent Examination Policy

Enclosure: Notice of Fee Payment